IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 59 OF 2005
IN
APPEAL FROM ORDER NO. 54 OF 2005

Shailesh Gulab Advani & ors. ... Applicants.
Versus.
Lekhraj G.Advani. ... Respondent.

Shri S.P.Kanuga with Shri Hitesh Vyas for the Applicants.

Shri Hogesh Adhia for the Respondent.

CORAM : ABHAY S. OKA, J.
DATED : 15th February, 2005.

P.C.:

1. Shri Kanuga appearing for the Applicants submits that the impugned order is ex-facie illegal. It is however not in dispute that the impugned order has been implemented and the original Plaintiff is put in possession of the flat No.102. The Applicants are protected as the impugned order itself records that the original Plaintiff will not part with possession of the flat and will not create any third party interests.

2. As the impugned order is already implemented, the possession of the original Plaintiff cannot be disturbed unless and until main Appeal is heard on merits. Hence no interim relief can be granted.

3. Civil Application is, therefore, rejected with no order as to costs.

Judge.